

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4704 OF 2007

Jaiwant Kedari Nikam ..Petitioner  
Versus  
Balasaheb Shankar Salokhe & Ors. ..Respondents

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Mr.S.S.Patwardhan for the petitioner.

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**Coram : A.P.DESHPANDE, J**

Date : 12.10.2007

PC

1. The plaintiff has instituted a suit for injunction simplicitor. The plaintiff has in fact contended in the plaint that the sale deed executed by defendant nos.1 to 5 dated 8.9.2007 is illegal but the prayer in the suit is only for injunction simplicitor. The suit has been valued for the purpose of court fees in accordance with Article 23 (1) of Schedule-2 of the Bombay Court Fees Act by contending that the subject matter of the suit is not susceptible of monetary valuation. The trial Court has held that the plaintiff takes a risk by not claiming any other relief in addition to the relief of injunction and thus the plaintiff cannot be forced to pay court fees stamp on the valuation of the property as indicated in the sale deed. Perused the impugned order. The same does not call for any interference. Writ petition is therefore, summarily dismissed.

(A.P.DESHPANDE, J)